

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTOPHER SEAN BURRUS,

Petitioner,

v.

ROBERT JACKSON,

Respondent.

CASE NO. 2:23-cv-01968-BHS-GJL

ORDER GRANTING EXTENSION  
AND REFERRING CASE FOR  
REVIEW

This federal habeas action filed pursuant to 28 U.S.C. § 2254 has been referred to United States Magistrate Judge Grady J. Leupold. Before the Court is Petitioner Christopher Sean Burrus's Motion to Appoint Counsel (Dkt. 25) and his Motion for Extension of Time to respond to Respondent's Answer (Dkt. 27). For good cause shown, Petitioner's Motion for an Extension is **GRANTED**. However, the Court **DEFERS** decision on his Motion to Appoint Counsel until after the Office of the Federal Public Defender has conducted a review of this case.

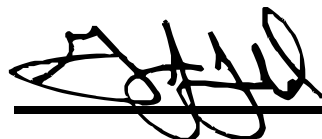
While there is no constitutional right to appointment of counsel in actions brought under § 2254, the Court may exercise its discretion to appoint counsel for a financially eligible individual where the "interests of justice so require." 18 U.S.C. § 3006; *see also Weygardt v.*

1 *Look*, 718 F.2d 952 (9th Cir. 1983). It appears that appointment of counsel may be warranted in  
 2 this case, but the Court has insufficient information at present to determine whether the interests  
 3 of justice, in fact, require such an appointment and whether Petitioner is financially eligible.

4 Accordingly, the Court **ORDERS** the following:

- 5 (1) This matter is **REFERRED** to the Office of the Federal Public Defender  
 6 for review. Not later than **September 24, 2024**, the Office of the Federal  
 7 Public Defender shall **ADVISE** the Court whether it intends to seek  
 8 appointment in this matter.
- 9 a. If the Office of the Federal Public Defender advises that it **WILL**  
 10 seek appointment in this matter, it shall **ASSIST** Petitioner in  
 11 preparing an amended motion for appointment of counsel and a  
 12 financial affidavit to aid the Court in determining whether Petitioner  
 13 is financially eligible for such an appointment not later than  
**October 1, 2024**.
- 14 b. If the Office of the Federal Public Defender advises that it **WILL**  
 15 **NOT** seek appointment in this matter, Petitioner shall **SUBMIT** a  
 16 financial affidavit detailing the total amount of funds currently  
 17 available to him as well as any liabilities or financial obligations  
 18 detracting from that sum not later than **October 1, 2024**.
- 19 (2) The Court will establish new deadlines for Petitioner's response in  
 20 opposition to Respondent's Answer and Respondent's optional reply in  
 21 support after it has made a decision on the appointment of counsel in this  
 22 case.
- 23 (3) Finally, the Clerk of Court is **DIRECTED** to **RENOTE** the Motion to  
 24 Appoint Counsel (Dkt. 25) for consideration on **October 1, 2024**. The Clerk  
 is further **DIRECTED** to **REMOVE** the noting date from the Response  
 (Dkt. 22) until reestablished in a subsequent order. The Clerk shall also send  
 a copy of this Order to the Office of the Federal Public Defender for the  
 Western District of Washington.

Dated this 3rd day of September, 2024.



Grady J. Leupold  
 United States Magistrate Judge